

## Board of Adjustment

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### *Minutes*

#### City Council Chambers, Lower Level November 12<sup>th</sup>, 2013

**Board Members Present:**

Danette Schepers – Chair  
Trent Montague - Vice Chair  
Greg Hitchens  
Mark Freeman  
Wade Swanson  
Tyler Stradling  
Chad Cluff

**Staff Present:**

Gordon Sheffield  
Angelica Guevara  
Julia Kerran  
Kim Steadman  
Wahid Alam  
Lesley Davis  
Kaelee Wilson  
Delphina Legah

**Board Members Absent:**

None.

**Others Present:**

Mark Couch  
Bonita Mele  
Joseph A. Montefour  
Debilyn Gill-Boyd  
Daniel Maley  
Vicky Hanna  
John Hanna

The study session began at 4:34 p.m. The Public Hearing meeting began at 5:33 p.m. Before adjournment at 7:26 p.m., the following items were considered and recorded.

**Study Session began at 4:34 p.m.**

- A. The items scheduled for the Board's Public Hearing were discussed.

**Study Session adjourned at 5:29 p.m.****Public Hearing began at 5:33 p.m.**

- A. Consider Minutes from the October 15<sup>th</sup>, 2013 Meeting a motion was made by Boardmember Stradling and seconded by Boardmember Freeman to approve the minutes. Vote: Passed 7-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Boardmember Stradling and seconded by Boardmember Montague. Vote: Passed 7-0

**Board of Adjustment Meeting  
November 12<sup>th</sup>, 2013**

**Case No.:** BA13-045

**Location:** 960 North Riverview

**Subject:** Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district. (PLN2013-00392)

**Decision:** Continuance to the December 10<sup>th</sup>, 2013 hearing

**Summary:** This item was on the consent agenda and was not discussed on an individual basis. Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district.

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Montague to continue case BA13-045 to the December 10<sup>th</sup>, 2013 hearing.

**Vote:** Passed (7-0)

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**Case No.:** BA13-049

**Location:** 2535 West Broadway Road

**Subject:** Requesting: 1) a Variance to allow the reduction to the required parking space dimensions; and 2) a Variance to allow an encroachment into the required side yard in the RS-9 zoning district. (PLN2013-00381) (Continued from the September 10th, 2013 hearing)

**Decision:** Withdrawn

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Stradling seconded by Board member Montague to withdraw case BA13-049.

**Vote:** Passed (7-0)

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**Case No.:** BA13-051

**Location:** 333 West 9<sup>th</sup> St.

**Subject:** Requesting: 1) a Variance to allow an encroachment into the required side yard; 2) a Variance to allow an encroachment into the required rear yard; and 3) a Variance to exceed the maximum roof area allowed, all in the RS-6 zoning district.

**Decision:** Approved with Conditions of request number one and denial of request two and three.

**Summary:** Mark Couch, the applicant and property owner, presented the case to the Board. Mr. Couch distributed folders to the board members. He stated his case started with a code case violation that was issued in July of this year. Mr. Couch stated that previously a code officer had been to his house and no violations were found. He doesn't understand what has caused this since nothing has changed.

Mr. Couch stated the area of his property is 9,800.2 square feet and his current roof coverage is 51.3 percent. If the property he gave back to the Child Crisis Center was configured into this lot area, his roof coverage would be 50.3 percent. He argued his roof coverage is not at the 60 percent mark that staff is claiming. Mr. Couch referred to an aerial picture of an awning that has been there since he moved in. He stated a supervisor with the City told him to write the dimensions from the house to other structures, and not to take the attached awnings into consideration.

Mr. Couch went on to item 5 on the staff report referring to permits. Mr. Couch referred to a paper in the folders distributed in the board member's packets where it stated a permit is not required to build a shed and an awning.

Mr. Couch stated that neighborhoods are like states in the union and the City shouldn't dictate that every neighborhood look like each other. He referred to letters of support from his neighbors. Mr. Couch referred to item number 10 on staff's previous staff report where staff stated there are not a majority of homes in the area that have roof coverage that exceeds 50 percent. Mr. Couch debated this fact. Mr. Couch referred to item 8 about water being drained onto other properties. He ensured the Board that he has now corrected that problem. As for the encroachment on the east side, Mr. Couch said he can move the awnings closer into the property to allow 2 feet on that side. He stated he had a meeting with Planning staff and Mr. Sheffield showed him the original site plan submitted with his 2007 building permit application that showed 16 feet. Mr. Couch stated that was what he was told to write down. He confirmed there has never been a 16 foot separation.

Mr. Couch referred to the 8 foot easement on the south side of his property. He was told by the City that a temporary structure can be placed in that easement and a concrete slab can be poured. He stated that years ago there was a concern about where to place his back wall so the utility company can have access to the utility pole in his back yard. The City Engineer said the utility department doesn't need access and that they have equipment to work on the pole.

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Chair Schepers confirmed no one from the public was in attendance to speak on the item.

Boardmember Hitchens stated he understands an easement to be the quite opposite as Mr. Couch does. He stated that it was his understanding that an easement is for access.

Boardmember Montague pointed out that there is a 1,300 square foot difference on the permit application in 2007 to what the Mr. Couch is referring to as his lot square footage now. Mr. Couch stated he wrote down what the County has recorded. Boardmember Montague then asked the applicant where the garage was that has been torn down. Mr. Couch referred to picture number 4 of an historical aerial. He pointed out the garage extends almost all the way to the property line. He stated it was originally attached to the awning. Mr. Couch referred to picture number 8 that depicted the space between the front building and the back building. He acknowledged there is not 6 feet between the buildings.

Chair Schaper verified that when the applicant calculated the under roof percentage that it included the awnings. Mr. Couch stated they were configured into the calculations. Mr. Couch referred to the staff report where it stated the detached buildings cannot exceed 50 percent of the roof area of the primary dwelling unit. Mr. Couch stated the awnings aren't structures. He stated he is willing to take down some awnings to meet that provision.

Gordon Sheffield, Zoning Administrator, presented the case to the Board. He referred the Board to the recorded plat in their packet. The subject property is lot number 5 which is listed at 62 feet wide 122 feet deep. That equates to the 7,550 foot number in the staff report. Mr. Sheffield stated the applicant does not get the benefit of measuring any other piece of property or right-of-way. Mr. Sheffield clarified that awnings are considered a structure and are calculated into the roof coverage. Mr. Sheffield described Zoning Ordinance requirements pertaining to detached accessory structures. It is difficult to distinguish what is part of the primary dwelling unit since all of the awnings are in such close proximity to each other. By definition, nothing is detached.

Boardmember Freeman confirmed with Mr. Sheffield that the applicant is arguing that the structures are detached, which is actually to his detriment. Mr. Sheffield went on to state because there is no detachment, by definition; the applicant is also encroaching into the side yards. Mr. Sheffield stated if the applicant does make the modifications he is describing to the awnings, there is still an issue of the detached structure not exceeding 50 percent of the primary dwelling unit.

Boardmember Hitchens built on Boardmember Freeman's point that it is in the applicant's best interest to approach the variance request as an attached structure. Mr. Sheffield confirmed and stated there is also the issue of the 8 foot easement in the rear. The encroachment request is through the City Engineer, not for the Board of Adjustment. Board member Hitchens stated he wished the City Engineer was present for guidance. Mr. Sheffield stated that if the Board were to grant the variance and the City Engineer denies the request, the most restrictive requirement applies. Staff member Angelica Guevara described the encroachment request process. Ms. Guevara stated that from all of the encroachment requests that are submitted, very few get approved.

Mr. Couch stated the detachment was brought up by staff, and he is willing to attach all of the structures if that would make the decision easier for the Board. Chair Schaper stated it

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wouldn't make it easier. Boardmember Hitchens described to the applicant that he looks at the lesser of requests when reviewing a variance. Boardmember Hitchens made a point when you look at a structure from an aerial perspective, as soon as the structure grows, the impact of that structure intensifies.

Chair Schaper asked if the roof area would have to be reduced by 60 percent or 750 square feet going by plat measurements. Staff member Angelica Guevara stated that 50 percent of the lot would be 3,875 square feet of roof area. She then specified if the Board were to consider the structures attached, the variance request would be for full encroachments into side and rear yards. Gordon Sheffield gave an example that if the primary dwelling unit were 2,000 square feet the square footage of the detached buildings couldn't exceed 1,000 square feet. Chair Schaper stated she wasn't thinking in that way but more in a manner that would get the roof coverage down. She asked Mr. Sheffield if any solutions had been brainstormed between the applicant and staff. Mr. Sheffield responded it will depend on the direction of the Board and staff will work within the limitations of what the Board decides.

Boardmember Stradling asked staff about a building that had encroached into the side yard for a very long time. Mr. Sheffield responded the structure was a carport that was allowed to encroach since the home was built under a previous Zoning Ordinance that allowed for such encroachments. Boardmember Stradling asked staff if before all of the improvements were made, whether the carport would have been allowed. Mr. Sheffield stated if it were just the carport with no additional attached awnings it would be allowed with no variance required. Boardmember Stradling asked staff the requirements that would pertain to Mr. Couch since it was enclosed. Mr. Couch then confirmed Boardmember Stradling was asking about the detached garage that was there ten years ago, not the attached carport. Mr. Sheffield stated that according to the original building permit from 2007, the applicant has that area listed as a concrete slab with no awning. Mr. Couch stated the Boardmember Stradling is talking about the building on the west side. Mr. Sheffield directed the Board to the site plan that was part of the 2007 building permit in their packet where it is labeled as a concrete slab. Mr. Couch then specified again that Boardmember Stradling was asking about the detached garage that was there prior to him living there. Mr. Sheffield stated that if that building had any grandfathered rights, they were lost when the building was torn down. Chair Schaper asked Mr. Sheffield if all of the attached awnings were removed, would the carport meet all requirements. He confirmed it met the code at the time of construction.

Chair Schaper closed the hearing for Board discussion.

Boardmember Montague asked staff what would happen if that carport line were to continue down the west side of the property. Mr. Sheffield stated that any new construction would have to meet the current 5 foot side yard requirement and only the original carport can encroach. Any further encroachment into that side yard would require the issuance of a variance. He went on to state the structure would also have to meet the 20 foot rear yard requirement. Chair Schaper stated the site plan from the 2007 building permit application shows a 9 foot setback, but that is not the 20 foot setback that Mr. Sheffield was just referring to. Mr. Sheffield stated since the permit drawing depicts a 16 foot separation between the building and the workshop that the structure would be considered detached and therefore it could encroach into the rear setback. Chair Schaper

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stated she is trying to figure out a way to reduce the awning structures and leave the carport since it is compliant. Mr. Sheffield stated the Board has the authority to do as they see fit. If the Board sees justification for a variance, then the question is to what degree. Mr. Sheffield advised the Board to first decide if the criteria is met for the issuance of a variance, and then if the degree of the variance requested is proportionate to the hardship on the property.

Boardmember Hitchens stated that the Board has a request to go from 50 percent lot coverage to 60 percent. If the request is denied, the applicant's only option is to come back and request a variance for a detached building and those numbers would be significantly less than what is shown. He went on to state it is in the applicant's best interest to pursue the variance as attached.

Boardmember Stradling asked for clarification from Boardmember Hitchens about his direction.

Boardmember Hitchens stated he cannot support 60 percent lot coverage. Boardmember Stradling agreed he is having the same issue. Boardmember Stradling stated he doesn't see justification for approving the variance.

Boardmember Hitchens moved to deny BA13-051 for 60 percent lot coverage. Boardmember Montague seconded.

Boardmember Stradling asked for clarification from Boardmember Hitchens if his intent was to deny the other two variance requests as well. Boardmember Hitchens stated that was his intent unless Boardmember Stradling wanted to amend the motion.

Mr. Sheffield stated that approval of request number one would allow an extension of the carport into the area of the rear of the home up until the rear setback. He stated in theory the Board can approve variance request number one and deny requests numbers two and three. Boardmember Hitchens asked Mr. Sheffield on where that would leave the applicant on the lot coverage issue. Mr. Sheffield responded that with the denial of the lot coverage variance request, the applicant would be required to meet the 50 percent lot coverage requirement.

**Motion:** It was moved by Boardmember Hitchens seconded by Boardmember Montague to deny request two and three and approve request one of case BA13-051 with the following conditions:

1. *Compliance with all requirements of Development Services in the issuance of building permits.*

The practical effect of approval of the motion as specified would be the following:

1. *Carport shall not encroach into the required rear yard setback.*
2. *There shall be a minimum 6 foot separation between the carport and permitted workshop.*
3. *Total roof coverage on the property cannot exceed 50 percent of the total lot square footage that is identified on the recorded plat.*

**Vote:** Passed (5-2) (Freeman and Swanson-nay)

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**FINDINGS**

1. There are no special conditions existing on this property when compared to residential properties in the vicinity and similar zoning districts.
2. The addition of structures on this property was caused by the property owner.
3. Strict compliance with the Code does not deprive the property of privileges enjoyed by other properties in the vicinity and the same zoning district.
4. Allowing roofline coverage of greater than 50% of the property would be a special privilege not available to other properties in the same zoning district.
5. The approved structures on this property violate building codes.
6. Approval of the request to allow the carport to encroach into the required side yard is based on a continuation of the allowable condition established at the time of the initial construction.

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**Case No.:** BA13-056

**Location:** 126 North Spencer

**Subject:** Requesting: 1) a Variance to allow an accessory structure to encroach into the required rear and side yards; and 2) a Special Use Permit to allow the rental of an accessory dwelling unit; both in the RS-6 zoning district. (PLN2013-00507)

**Decision:** Approved with Conditions

**Summary:** Bonita Mele, the applicant and property owner, presented the case to the Board. Ms. Mele stated she purchased the property in 2010. She described the difficulties she had finding a reliable contractor. One of the contractors told her the primary dwelling unit was beyond repair and needed to be torn down.

The applicant stated she would like to remove the Special Use Permit request since she will not be residing in the primary dwelling unit.

Ms. Mele stated the accessory structure had a one hour rated fireproof wall. She stated both the accessory dwelling unit and the primary dwelling unit had separate utility meters. Staff Planner Lesley Davis stated she did not look into utility records since she was unaware both buildings had separate meters. Gordon Sheffield, Zoning Administrator, stated if the accessory building had any grandfathered rights, they were extinguished when the primary dwelling unit was torn down. He then clarified that the variance request is reinstating the grandfathered rights.

**Motion:** It was moved by Board member Swanson seconded by Boardmember Freeman to approve case BA13-056 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

**Vote:** Passed (7-0)

**FINDINGS**

1. The subdivision was created shortly after World War 2, and most of the homes in the subdivision pre-date the adoption of a modern Zoning Ordinance by the City Council in 1958.
2. The applicant's proposed construction of a new residence will comply with building setbacks of the current ordinance. The variance applied applies to the existing detached structure, which has been in place for over 40 years.
3. Allowing the existing detached structure to remain will not materially affect surrounding properties in a manner different from what had been established for over 40 years.

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**Case No.:** BA13-057

**Location:** 1626 North Country Club Drive

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing group commercial development in the LC zoning district. (PLN2013-00264)

**Decision:** Approved with Conditions.

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Montague to approve case BA13-057 with the following conditions:

1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
2. *Recordation of lot combination of parcels 135-11-010A, 135-11-010C, 135-11-003A and 135-11-003C prior to the issuance of a construction permit.*
3. *Compliance with all requirements of Design Review Board.*
4. *Compliance with all requirements of Zoning Administrator case ZA08-003, Board of Adjustment cases BA08-010, BA13-007 and Planning and Zoning case Z13-054 as applicable.*
5. *Provision of the addition of landscape screening to a height of 32" behind the masonry and wrought iron parking screen wall for the new parking area.*
6. *Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the lot combination, or at the time of the City's request for dedication, whichever comes first.*
7. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**Vote:** Passed (7-0)

**FINDINGS**

1. The current land use conforms to the permitted uses for the Limited Commercial district as well as the General Plan designation of Neighborhood Commercial. The building addition and the development/redevelopment of the parcels are consistent with the existing pattern of development, and require deviations from current Code.
2. The applicant has been approved deviations from current Code requirements related to setbacks around the perimeter of the site and foundation base. These reductions would allow the addition of 1,254 s.f. without requiring significant alteration of the site or demolition of the existing building.
3. The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of the existing building. To provide substantial conformance with current Code development standards, the applicant will refurbish existing landscaping throughout the site and provide adequate landscape to the proposed parking area.
4. The approved site and landscape plans, including staff recommended conditions for approval, substantially conform to the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

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**Case No.:** BA13-058

**Location:** 3831 and 3841 East Main Street and 30 South 39th Street

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the development of an existing commercial site in the GC zoning district.

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Montague to approve case BA13-058 with the following conditions:

1. *Compliance with the site plan, landscape plan and elevations submitted.*
2. *Compliance with Site Plan approval. (Z13-050)*
3. *Compliance with Design Review approval. (DR13-030)*
4. *Compliance with all requirements of Development Services in the issuance of building permits.*

**Vote:** Passed (7-0)

**FINDINGS**

1. This approved request will permit an existing business to expand in the same location by allowing encroachment into the setbacks along the south and east side of the site. The existing warehouse encroaches 20' into a 25' setback along the south property line, and the proposed rear-yard screening wall will encroach 5' into a 20' setback along 30th St.
2. The applicant will plant the required number of trees along the south property line and will paint the warehouse to match the new buildings. The 5' encroachment of the east-side screening wall is necessary in the staging of the renovations, and the applicant proposes the required tree and plant counts in this location as well.
3. Both encroachments are necessary to the reuse of this site and make the improvements possible. The high quality of the development has been confirmed through the Design Review process. Therefore the requested SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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**Case No.:** BA13-059

**Location:** 3716 East Main Street

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing group commercial site in the GC zoning district. (PLN2013-00477)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-059 with the following conditions:

1. *Compliance with the site plan, landscape plan and elevations submitted, except as modified by the conditions listed below.*
2. *Replace all dead and dying plant materials, install new plant materials in existing landscape yards along north and west property line.*
3. *Provide interior parking lot landscaping per Section 11-33-4.*
4. *Compliance with required tree/shrub quantities per Ch. 33 of the zoning Ordinance.*
5. *No outdoor activities or outdoor storage are permitted, except as otherwise allowed in Sec. 11-6-2. All service and repair activities and product storage must occur within an enclosed structure.*
6. *Install screen wall along Main Street adjacent to parking spaces per current City code.*
7. *The existing driveway access on Main Street needs to rebuild per current City code and ADA compliance.*
8. *All existing and/or proposed mechanical equipment shall be fully screened to comply with §11-30-9.*
9. *Compliance with all requirements of Design Review approval.*
10. *Compliance with all requirements of Development Services in the issuance of building permits.*
11. *Submit revised site plan that meets all conditions of approval for staff approval prior to building permit submittal.*

**Vote:** Passed (7-0)

**FINDINGS**

1. This request would allow the expansion of an existing repair facility on a GC-zoned property. The project includes existing landscape improvements in addition to 3,200 sq. ft. including a service bay. The total floor area is 11,480 sq. ft.
2. Concerns relate to the limited landscape strip along the west and south property line. Also, there is no interior parking lot landscaping. To address concerns related to landscaping, staff suggests conditions 2, 3 & 4. The existing parking lot along the south property line and the driveway access of Main Street needs substantial improvement to comply with current code, as addressed by conditions (6&7) of this request
3. Full compliance with current Code development standards would significantly reduce the amount of buildable area and could preclude the use of the site for this permitted use. A limited amount of area is available for improvement to the existing development site and to affect compliance with current development standards. Sufficient justification exists to review the requested SCIP. The applicant's proposed site plan, including the recommended conditions of approval, provides substantial conformance with current development standards and demonstrates site improvements that will benefit the property owner and surrounding neighborhood.

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**Case No.:** BA13-060

**Location:** 4046 East Edgewood Avenue

**Subject:** Requesting a Variance to allow a detached accessory structure to encroach into the required side yard in the RS-43 zoning district. (PLN2013-00479)

**Decision:** Approved with Conditions

**Summary:** John Hanna, the applicant and property owner, presented the case to the Board. Mr. Hanna stated that he and his wife purchased the home with intent to utilize the existing garage on site and build a new garage. He stated the home was built in 1984 and the garage in question is depicted in a historical aerial from 1992. He stated he went through document retrieval and could not find any permits on record. Mr. Hanna stated they cannot move the garage to the rear of the lot because the subject property is flood irrigated.

Vicky Hanna, the applicant and property owner, stated the RV garage was a vision for this property. She plans on utilizing the space for her greeting card line.

Debilyn Gill-Boyd, 4030 E. Edgewood Ave., stated she is in attendance to get some of her questions answered. After receiving more information, she stated she is in favor of the variance request.

Daniel Maley, 4021 E. Edgewood Ave., attended in support of the variance request.

Joseph A. Montefour, 9240 E. McLellan Rd., is the contractor for the case. He stated the existing garage meets current building code standards.

Staff member Angelica Guevara gave a brief staff report.

Boardmember Swanson asked the applicant if it is possible to place the garage elsewhere on the property. Mr. Hanna stated it would not be financially feasible.

Boardmember Stradling asked staff if there is a variance on file. Gordon Sheffield responded the structure was not legal when built. Whether or not a variance was granted is unknown.

Boardmember Swanson asked staff about what would prevent the applicant from tearing down the garage and building a new RV garage. Mr. Hanna stated there is a cost associate with demolition. Mr. Sheffield stated that cost is not something the Board can take into consideration. Boardmember Swanson stated the applicant is not without remedy. They were represented by a real estate agent who should have done their due diligence. He stated he will have a hard time supporting the variance request.

Boardmember Montague asked staff if it is possible that there is a variance already on file. Mr. Sheffield responded it is a possibility but it unlikely. Mr. Sheffield stated variance records from the late 1980's to the early 1990's are spotty.

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Boardmember Stradling stated he will rule in the applicant's favor since the City is not one-hundred percent sure one wasn't already granted at the time of construction.

**Motion:** It was moved by Board member Freeman seconded by Board member Stradling to approve case BA13-060 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

**Vote:** Passed (4-3) nay- Hitchens, Swanson and Schaper

**FINDINGS**

1. The Board determined that special conditions existing on the site.
2. The degree of the variance requested by the applicant was determined by the Board to be commensurate with the special conditions found on the site.

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**Case No.:** BA13-061

**Location:** 4142 East Valley Auto Drive

**Subject:** Requesting a Variance to allow a reduction to the required landscape yard in the LI-PAD zoning district. (PLN2013-00475)

**Decision:** Approval with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Montague to approve case BA13-061 with the following conditions:

1. *Compliance with the site plan and elevations as submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**Vote:** Passed (7-0)

**FINDINGS**

1. The approved variance will allow a reduction of the landscape yard along the north property line from the required 15' wide to 8' wide.
2. This self-storage facility will be enclosed for security purposes. The landscape yard in question runs along the north property line abutting the sound wall of the US 60 freeway. Though reducing this landscape yard by 7' the applicant is providing the required numbers of trees and shrubs in that area. The applicant will increase planting, in an SRP easement along the west property line, adjacent to an existing residential subdivision.
3. A large area of this parcel is unusable because of an SRP easement along the west side. The easement is 55' wide at the south end, widening to 100' wide at the north end. This is a special condition that was not created by the applicant.
4. Given the existing limitation of the SRP easement, strict application of the Code would further limit the applicant's site plan options. The approved reduction in width will not affect the public's perception of the landscape area since it is within a screened yard, and the applicant will provide a net increase in planting material. This is the last lot to develop in this commercial subdivision. The variance would be granted as a solution to specific, pre-existing site conditions and not as a special privilege.

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**Case No.:** BA13-062

**Location:** 103 North Fraser Drive East

**Subject:** Requesting a Variance to allow a carport to encroach into the required side yard in the RS-9-HP zoning district. (PLN2013-00502)

**Decision:** Approval with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Montague to approve case BA13-062 with the following conditions:

1. *Compliance with the site plan, narrative and exhibits submitted.*
2. *Maintain the historical nature of the home.*
3. *Retain the current encroachment and roof line on the north side of the property for the proposed carport.*
4. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*

**Vote:** Passed (7-0)

**FINDINGS**

1. There are special circumstances that apply to this request that are pre-existing and not self-imposed.
2. Strict compliance with the Code would cause the applicant to remove structures that have been in place for decades and require significant alteration to their existing home.
3. Requiring compliance with the ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and the same zoning district.
4. This variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.
5. The proposal strikes a balance between historic preservation and the current needs of the owners.

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OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a  
Zoning Administrator